

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CORNWALL MANAGEMENT LTD and OLEG  
SOLOVIEV a/k/a OLEG VALENTINOVICH  
SOLOVIEV

Plaintiffs,

v.

THOR UNITED CORP. a/k/a THOR UNITED  
CORPORATION, JOHN DOE THOR ENTITIES,  
ATLANT CAPITAL HOLDINGS, LLC, OLEG  
BATRACHENKO a/k/a OLEG  
BATRATCHENKO a/k/a O.V.  
BATRACHENKOV, PETER KAMBOLIN  
NORTH 3RD DEVELOPMENT, LLC and  
ABRAHAM BENNUN,

Defendants.

Civil Action No. 12-cv-08551 (LLS)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Declarations of Peter Kambolin and Paul D. Sarkozi, and the Memorandum of Law in Support of Defendants Atlant Capital Holdings, LLC and Peter Kambolin Support of their Motion to Dismiss the Amended Complaint, dated April 26, 2013, and all prior pleadings and proceedings, Defendants Peter Kambolin and Atlant Capital Holdings, LLC will move this Court before the Honorable J. Stanton, United States District Judge, at the Daniel Patrick Moynihan, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by this Court, for an order pursuant to Rule 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiffs' Amended Complaint for lack of subject matter jurisdiction and failure to state a claim.

Dated: New York, New York  
April 26, 2013

TANNENBAUM HELPERN  
SYRACUSE & HIRSCHTRITT LLP

By: /s/ Paul D. Sarkozi  
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